

# HOUSE BILL REPORT

## SSB 5282

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**As Reported by House Committee On:**  
Criminal Justice & Corrections

**Title:** An act relating to a clarification of the earned release time provisions for offenders held in city or county jails.

**Brief Description:** Clarifying earned release provisions that apply to city and county jails.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kline, Hargrove, Mulliken, Fairley and Thibaudeau).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 3/31/05 [DP].

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Changes the amount of earned release time certain jail offenders may earn.</li></ul>
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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 5 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kagi, Kirby and Strow.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Pearson, Ranking Minority Member; and Ahern, Assistant Ranking Minority Member.

**Staff:** Yvonne Walker (786-7841).

**Background:**

The Department of Corrections (DOC) and county jails may reduce an offender's term of confinement through earned release time. Earned release time may be granted for good behavior and good performance and can be taken away for disciplinary reasons.

Offenders Incarcerated in Prison. An offender convicted of a serious violent offense or a class A felony sex offense, on or after July 1, 2003, may obtain earned release time. Such an offender may not have his or her term reduced by more than 10 percent via earned release time.

Certain other offenders can have their confinement reduced by up to 50 percent. The DOC must perform a risk assessment of eligible offenders and classify them into four risk groups.

An offender may have his or her term of confinement reduced by up to 50 percent via earned early release time if he or she:

- is classified in one of the two lowest risk categories;
- is confined for an offense other than a violent offense; a sex offense; manufacture, delivery, or possession with intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so); delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so); a crime against persons; a felony domestic violence offense; or residential burglary; and
- has no prior conviction for any of these offenses.

The 50 percent earned release time an offender can earn, expires on July 1, 2010.

Offenders Incarcerated in Jail. An offender incarcerated for a serious violent offense or a sex offense that is a class A felony may not have his or her term of confinement reduced by more than 15 percent via earned release time. An offender incarcerated for any other offense may not have his or her term of confinement reduced by more than 33 percent via earned release time.

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### **Summary of Bill:**

The amount of earned release time an offender may earn while incarcerated in jail is adjusted to match what an offender incarcerated in a prison would receive.

Offenders Incarcerated in Jail. The amount of earned release time an offender convicted of a serious violent offense or a class A felony sex offense (on or after July 1, 2005) can earn is reduced. Such an offender may only have his or her term of confinement reduced by up to 10 percent (instead of 15 percent) via earned release time.

The amount of earned release time certain other offenders may earn is increased. A county or municipal jail may adopt an earned release program where an offender may have his or her term of confinement reduced by up to 50 percent (instead of 33 percent) via earned early release time if he or she:

- is confined for an offense other than a violent offense; a sex offense; manufacture, delivery, or possession with intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so); delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so); a crime against persons; a felony domestic violence offense; or residential burglary; and
- has no prior conviction for any of these offenses.

The increase in the amount of earned release time an offender may earn expires on July 1, 2010. The increase applies both prospectively and retroactively. The correctional agency having jurisdiction may recalculate the earned release time and reschedule the expected release date for each offender qualifying for earned release time.

The Legislature declares that the changes to the maximum percentages of earned release time do not create any expectation that the percentage of earned release time cannot be revised and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest. The Legislature retains full control over the right to revise the percentages of earned release time available to offenders at anytime.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill contains an emergency clause and takes effect July 1, 2005.

**Testimony For:** Good time, otherwise known as earned early release, is a sentence for good behavior. It is intended to keep people in line while in custody. This bill parallels a bill the Legislature passed last year which applies only to state prisons. This bill creates parity between the local jails and the state prisons in terms of the standards for good time. It is advisory authority and is not a requirement. The bill gets tough on certain crimes and does not increase earned early release time for violent, sex, methamphetamine, or certain drug crimes. As a result, this allows jails to increase earned early release for all other crimes. The fiscal note of this bill is positive.

**Testimony Against:** None.

**Persons Testifying:** Senator Kline, prime sponsor; and Sophia Byrd, Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.